

Amend Section 19-001 to read:

19-001      CONFIDENTIALITY OF RECORDS - OBJECTIVE AND SCOPE

19-001

In accordance with Welfare and Institutions Code (~~W&IC~~) Section 10850 and 45 CFR Section 205.50(a), these regulations were created to protect the applicants and recipients against identification, exploitation or embarrassment that could result from the release of information identifying them as having applied for or having received public assistance. They also outline under what circumstances and to whom such information may be released. These regulations pertain to all records, papers, files and communications pertaining to the following public social service programs, both aid and services, administered or supervised by the California Department of Social Services (CDSS), ~~AFDC~~ CalWORKs (including WIN, and Child Welfare Services), APSB, SSP (all segments), and Title XX, unless otherwise indicated. These regulations bind public and private agencies with whom the county contracts to perform any part of the covered public social service programs. The CDSS programs not covered by these regulations have their own rules regarding records and confidentiality which are to be referred to when dealing with such records, e.g., food stamps in Section 63-201.3 and Adoptions in Title 22 of the California Administrative Code. The term public social services programs is defined as both assistance and social service programs administered or supervised by CDSS or the ~~State~~ California Department of Health Services.

Authority Cited:    Sections 10063(b), 10553, and 10554, Welfare and Institutions Code.

Reference:        Section 10063(a), Welfare and Institutions Code.

Amend Section 19-004 to read:

## .4 Exception to General Rule - Law Enforcement Officials (Continued)

## .41 (Continued)

.412 A felony arrest warrant has been issued for the applicant/recipient, Welfare and Institutions Code Section 10850.3. (See Section 19-004.942 for exceptions to the Food Stamp ~~Program~~ and CalWORKs programs.) (Continued)

- (a) Information releaseable pursuant to a felony arrest warrant shall be further limited to data contained within disbursement records for ~~AFDC~~ CalWORKs, Special Circumstances, and social service cases other than Child Welfare Service records. Release shall be limited to name, address, telephone number, birthdate, and social security account number (where such items are present) from the record of disbursement. (Continued)

.9 .42 Release of Food Stamp and CalWORKs Case Information to Law Enforcement Officials

.91 .421 In the Food Stamp ~~Program~~ and CalWORKs programs, the address, social security number, and, if available, photograph (with the exception of photo images obtained from the Statewide Fingerprint Imaging System [MPP Sections 40-105.3 and 63-601.12]) of any Food Stamp household member ~~of a household~~ and/or CalWORKs applicant/recipient, shall be made available on request to any Federal, State, or local law enforcement officer if the officer furnishes ~~CDSS or~~ the county welfare department with the name of the member/applicant/recipient and notifies ~~CDSS or~~ the county welfare department that:

- .911 (a) The member/applicant/recipient is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime (~~or attempt to commit a crime~~) that, under the law of the place the member/applicant/recipient is fleeing, is a felony (or ~~if from~~, in the case of New Jersey, a high misdemeanor); or
- .912 (b) The member/applicant/recipient is violating a condition of probation or parole imposed under Federal or State law; or
- .913 (c) The member/applicant/recipient has information that is necessary for the officer to conduct an official duty related to Sections ~~19-004.911 and .912~~ 19-004.421(a) and .421(b); and

.914 (d) Locating or apprehending the member/applicant/recipient is an official duty of the law enforcement officer; and

.915 (e) The request is being made in the proper exercise of an official duty.

.5 Release of Confidential Information in Conjunction With a Lawsuit (Continued)

.6 Release to Schools (Continued)

.61 (Continued)

.62 Information concerning the number of ~~AFDC~~ CalWORKs families living within a particular school district requested to support entitlement to funds under the Elementary and Secondary Education Act (ESEA) may be released to authorized representatives of the school district. A signed agreement with the school district stating that the confidential information obtained will only be used for purposes of fund claiming under the ESEA and that the district understands that there is a criminal penalty for release or use by the school district for any other purpose shall be obtained. This prohibition includes the use of the confidential records to identify applicants or recipients to school teachers and administrators.

Authority Cited: Sections 10063(b), 10553, 10554, 10850, and 10850.31, Welfare and Institutions Code.

Reference: Section 10063(a), 10850 and 10850.31, Welfare and Institutions Code, and Public Law (P.L.) 104-193, Sections 408(a)(9) and 837 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996).

Amend Section 19-005.21 to read:

.2 Authorizations (Continued)

.21 Written Authorizations

Except, as otherwise provided, all authorizations are to be written.

Written authorizations shall be dated and shall expire one year from the date on which they are given unless they are expressly limited to a shorter period or revoked. In cases involving pending appeals or state hearings, the time period, unless the authorization is expressly limited or revoked, shall extend to the final disposition of the issue involved in the fair hearing or, where applicable, by the courts.

When the authorized representative and the applicant/recipient, or responsible relative caring for the ~~AFDC~~ CalWORKs child are both present, no written authorization is required for that particular occasion.

Authority Cited: Sections 10063(b), 10553 and 10554, Welfare and Institutions Code.

Reference: Section 10063(a), Welfare and Institutions Code.

Amend Section 19-007.1 to read:

.1 Collateral Contacts in ~~AFDC~~ CalWORKs and APSB

Pursuant to EAS Sections 40-157.22 and 40-181.31 individual consent forms, signed by the applicant or recipient are required for each contact made during the evidence gathering process. An exception to this rule is found in MPP Section 20-007.36 which exempts SIUs from the requirement of permission to contact collateral sources. (Continued)

Authority Cited: Sections 10063(b), 10553 and 10554, Welfare and Institutions Code.

Reference: Section 10063(a), Welfare and Institutions Code.

Amend Sections 20-300.32 and .33 to read:

20-300 INTENTIONAL PROGRAM VIOLATIONS IN THE  
FOOD STAMP PROGRAM (Continued)

20-300

.3 Disqualification Penalties (Continued)

.31 (Continued)

.32 The disqualification penalties shall apply only to individuals disqualified for IPV's which occurred during a certification period after the household has been notified by the CWD of the ~~new~~ disqualification penalties. If the IPV which led to the disqualification occurred prior to April 1, ~~1984~~ 1983 or prior to the household's notification of the disqualification penalties, the individual(s) shall be disqualified in accordance with the Food Stamp Program's disqualification penalty regulations in effect at the time of the individual's offense.

.33 One or more IPV's which occurred prior to ~~the implementation of these penalties~~ April 1, 1983 shall be considered as only one previous disqualification when determining which penalty to impose. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Code of Federal Regulations, Title 7, Section 273.16(b)(6).